

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:20-CR-00178-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELONTA ALVERSE PITTS,

Defendant.

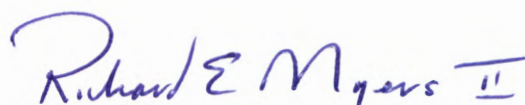
ORDER

This matter comes before the court on Defendant's pro se motion. [DE 65]. Defendant requests that the court remove two of his criminal history points, which were incurred "for being on probation prior to [his] instant offense." *Id.* The court construes this as a motion for a sentence reduction under Amendment 821.

The court finds that Amendment 821's retroactive application would not change Defendant's sentencing exposure. Defendant was charged and convicted of conspiring to distribute and possess with the intent to distribute fifty grams or more of methamphetamine and a quantity of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and § 846. [DE 59]. As such, he was subject to a ten-year mandatory minimum. § 841(b)(1)(A). Because Defendant was ultimately sentenced to that mandatory minimum, the removal of any contested status points could have no effect on the sentence imposed. *See, e.g., United States v. Wade*, No. 3:17-cr-77, 2024 WL 2106801, at *3 (W.D.N.C. May 14, 2024); *United States v. Russell*, No. 2:22-cr-00025, 2023 WL

8600608, at *1 (S.D. W. Va. Dec. 12, 2023). Accordingly, Defendant's motion [DE 65] is DENIED.

SO ORDERED this 22^d day of July, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE